

In Support of HB 634 Transportation of Persons with Mental Illness

Currently, In Montana no common system for the provision of safe humane transportation of persons with mental illness exists. The task has fallen, by default, to law enforcement agencies in 56 counties (and at times to the discretion of the transporting officer). There is no common state-wide policy for transportation either. Each county faces the risk of liability on its own. By creating a state operated system a policy is then put in place that not only improves the safety of healthcare patients but diminishes the risk of liability to all of the counties.

Where you have healthcare you have liability. The question is then how best to minimize risk. The apprehension about liability of a state operated transportation system pales in comparison to the inevitability of future personal injury suits lodged against individual counties for circulatory, tissue, nerve, and skeletal injuries incurred during a transport where the patient who has been shackled for a period of several hours.

In addition, aware of it or not, hospitals, even treating psychiatrists and nurse practitioners could very well be held liable as well for releasing a patient for a court hearing and having the patient returned to their facility injured by shackling during transport. Then we face the possibility for claims of personal injury due to psychological trauma or the re-traumatization of patients who have experienced physical and sexual abuse in the past.

All it would take is one patient with courage enough to confront the system and the gate will then be wide open. HB 634 not only will reduce the risk of liability it will reduce the risk of injury.

Sincerely,

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